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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,489	03/19/2001	Atsushi Tomita	032360-010	8259

7590 05/18/2005

Platon N. Mandros  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER
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SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/810,489

Applicant(s)

TOMITA, ATSUSHI

Examiner

Salad E. Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11, 13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **Response**

1. The Response filed on 2/15/2005 has been received and made of record
2. Applicant's argument with respect claims 1-4, and 6-8, 12, and 14 have been fully considered but are not moot in view of new grounds of rejection.

### ***Allowable Subject Matter***

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 9-11, 13 and 15 are allowed.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8, 12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Kodimer et al., U.S. Patent No. 6,003,078[Kodimer]

As per claims 1, 12 and 14, Kodimer discloses an equipment management apparatus (NIB 14, see fig. 1, element ) for transmitting management information (i.e., configuration information) collected from a plurality of equipment (network

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devices 11) to a centralized management apparatus (management workstation 19), comprising:

a detector (NIB 14) for detecting a trouble(i.e., failure) which has occurred in first equipment (i.e., motor ) (see figs. 1 and 20 and col. 12, line 41 to col. Col. 13, line 18) ; and

a transmission controller (server 12) for, when the trouble is detected by the detector, transmitting management information (i.e., configuration information or status information) about second equipment (i.e., copier 11)) which is other than the first equipment together with the trouble information about the first equipment to the centralized management apparatus (network management station server 45) (see figs. 1 and 2 and col.4, lines 48-64 and col. 6, lines 1-11).

Note: NIB 14, detects the failure of the first equipment (the motor), then transmits configuration information second equipment (i.e., copier 11).

As per claim 2, Kodimer discloses an equipment management apparatus according to claim 1, wherein the transmission controller responds to the detection of the trouble by the detector, and obtains the management information from the second equipment (see col.4, lines 48-64 and col. 6, lines 1-11)

As per claim 3, Kodimer discloses an equipment management apparatus according to claim 1, wherein the transmission controller transmits management information about a plurality of equipment including the second equipment (inherent).

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As per claim 4, Kodimer discloses an equipment management apparatus according to claim 1 further comprising a selector for selecting the second equipment among the plurality of equipment based on a specified condition (i.e., status condition) (see col. 10, lines 36-47).

As per claim 6, Kodimer discloses An equipment management apparatus according to claim 4, wherein the specified condition is characteristics of each of the equipment, and the selector selects the second equipment based on the characteristics of each of the equipment)(see col.4, lines 48-64 and col. 6, lines 1-11).

As per claim 7, Kodimer discloses an equipment management apparatus according to claim 1, wherein the equipment is an image forming apparatus for forming an image on a sheet (see col.4, lines 48-64 and col. 6, lines 1-11)

As per claim 8, Kodimer discloses an equipment management apparatus according to claim 7, further comprising a selector for selecting the second equipment among a plurality of equipment, based on at least one of the type of color of the image forming apparatus, the speed of image formation thereof, and the equipment structure thereof (see fig. 1, element 11, and col.4, lines 48-64 and col. 6, lines 1-11)

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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Abdullahi Salad  
Examiner AU 2157  
5/16/2005